

Bay Crossing Study
Tier 1 NEPA
Observations and Recommendations

Kent County Bay Bridge
Monitoring Committee Meeting
March 28, 2018

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Professional Experience

US Agency for International Development (USAID) Africa Bureau
Environmental Officer

- 28 Countries/USAID Missions
- ALL USAID-funded projects require NEPA review
 - Categorical Exclusion (CE), Initial Environmental Evaluation (IEE) approved/with conditions, Environmental Assessment (EA), Programmatic Environmental Assessment (PEA), Environmental Impact Statement (EIS)
 - Significant EIS conducted/supervised
 - > Pesticide Impregnated Bednets for malaria control - Asia and Africa-wide
 - > GMO Production and Release – USAID Worldwide

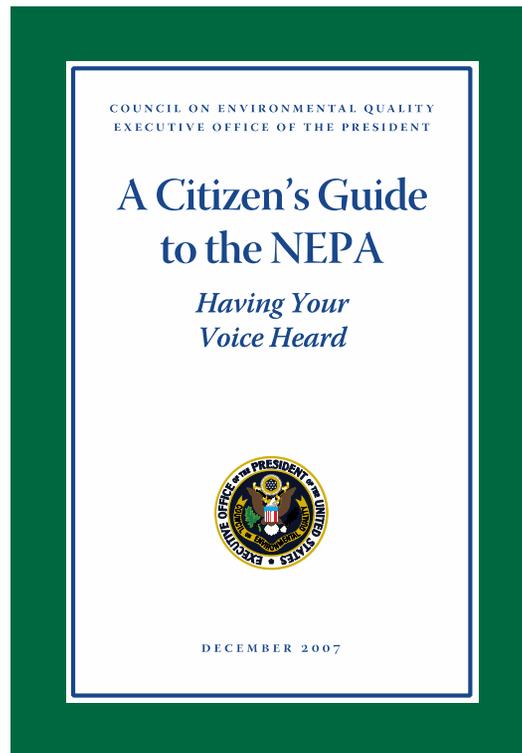
BCS Tier 1 NEPA Background

- MDTA Chesapeake Bay Crossing Study PowerPoint – Excellent overview
- MDTA 11/15/2017 Online Public Meeting Video – Excellent overview
- BCS Tier 1 NEPA - Key dates
 - Public Workshop – Spring 2019
 - Tier 1 EIS Public Hearing – Fall 2019

Personal Opinions Regarding Tier 1 NEPA EIS

- New bridge construction is inevitable
- Take a logical and unemotional approach to BCS Tier 1 NEPA EIS
- Consider interests and needs of all citizens
 - Longtime residents
 - Recent arrivals (“Come Here’s”)
- Use the NEPA process as a tool
 - Determine where the bridge is built
 - Determine how the bridge is built
 - Comply with and strengthen local regulations

Recommended Resource



NEPA Guide - When and How to Get Involved

- Review Agency's NEPA Implementing Procedures -
 - FHWA – www.environmental.fhwa.dot.gov/nepa/nepa-projDev.aspx
- Review new legislation that can change the way NEPA is implemented in Agencies, e.g., Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users SAFETAC, Public Law 109-59 in DOT
- Opportunities to get involved in the NEPA process
 - When the Agency prepares its NEPA procedures
 - Prior to and during preparation of a NEPA analysis, e.g., Project Schedule
 - When a NEPA document is published for public review and comment
 - When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation
- How to Comment

Considerations Concerning Environmental Justice

- Human Health and Safety – safety-related transportation concerns
- Economic Development – all persons should have equal access to economic opportunities
- Society and Culture – important to understand the many differing values and priorities of diverse social groups
- Natural Environment – effects to the environment that have a direct social consequence

Statutes and implementing regulations

- Title VI of the Civil Rights Act of 1964
- National Environmental Policy Act of 1969
- Title 23 of the Federal-Aid Highway Act of 1970
- Executive Order 12898 of February 11, 1994

Current Legislation

Affecting How NEPA is Implemented

- Executive Order 13807 of August 15, 2017 – Limits most EIS to one (1) year length and resulting reports to no more than 150 pages (300 pages in exceptional situations)
- DOI Order No. 3355 of August 31, 2017 – Streamlining National Environmental Policy Act (NEPA) Reviews and Implementation of Executive Order 13807
- Department of Legislative Services, Maryland General Assembly, 2018 Session: Senate Bill 34 – “This bill exempts a State agency from the requirement that it receive express consent from a majority of the governments of the Eastern Shore counties before it constructs a toll road, toll highway, or toll bridge in those counties if the road, highway, or bridge crosses the Chesapeake Bay.”

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